

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

BIG LOTS, INC., *et al.*,

Debtors.¹

Chapter 11

Case No. 24-11967 (JKS)

(Jointly Administered)

**NOTICE OF *SECOND* AMENDED² AGENDA FOR HEARING
SCHEDULED FOR MARCH 25, 2025, AT 10:00 A.M. (ET)**

This proceeding will be conducted **in-person**. All counsel and witnesses are expected to attend unless permitted to appear remotely via Zoom.

Please refer to Judge Stickles' Chambers Procedures (<https://www.deb.uscourts.gov/judge-j-kate-stickles>) and the Court's website (<http://www.deb.uscourts.gov/ecourt-appearances>) for information on who may participate remotely, the method of allowed participation (video or audio), Judge Stickles' expectations of remote participants, and the advance registration requirements.

Registration is required by 4:00 p.m. (Prevailing Eastern Time) the business day before the hearing unless otherwise noticed using the *eCourtAppearances* tool available on the Court's website.

RESOLVED MATTERS

1. SquareTrade Inc.'s Motion for Order Compelling Immediate Assumption or Rejection of Agreement; or, in the Alternative, for Stay Relief ([D.I. 1600](#), filed 1/7/25).

Objection Deadline: January 14, 2025, at 4:00 p.m. (ET).

Responses Received: None.

¹ The debtors and debtors in possession in these chapter 11 cases, along with the last four digits of their respective employer identification numbers, are as follows: Great Basin, LLC (6158); Big Lots, Inc. (9097); Big Lots Management, LLC (7948); Consolidated Property Holdings, LLC (0984); Broyhill LLC (7868); Big Lots Stores - PNS, LLC (5262); Big Lots Stores, LLC (6811); BLBO Tenant, LLC (0552); Big Lots Stores - CSR, LLC (6182); CSC Distribution LLC (8785); Closeout Distribution, LLC (0309); Durant DC, LLC (2033); AVDC, LLC (3400); GAFDC LLC (8673); PAFDC LLC (2377); WAFDC, LLC (6163); INFDC, LLC (2820); Big Lots eCommerce LLC (9612); and Big Lots F&S, LLC (3277). The address of the debtors' corporate headquarters is 4900 E. Dublin-Granville Road, Columbus, OH 43081.

² Amended items appear in **bold**.

Related Documents:

- a) Declaration of Matthew Poole in Support of SquareTrade, Inc.'s Motion for Order Compelling Immediate Assumption or Rejection of Agreement; or, in the Alternative, for Stay Relief ([D.I. 1601](#), filed 1/7/25) (the "SquareTrade Motion").
- b) Declaration of Eve H. Karasik in Support of SquareTrade, Inc.'s Motion for Order Compelling Immediate Assumption or Rejection of Agreement; or, in the Alternative, for Stay Relief ([D.I. 1602](#), filed 1/7/25).

Status: On February 21, 2025, the Debtors filed the *Twelfth Notice of Rejection of Certain Executory Contracts and/or Unexpired Leases* [D.I. 2050] (the "Twelfth Rejection Notice"), which provides for rejection of the contract at issue in the SquareTrade Motion. On March 18, 2025, the Court entered an order [D.I. 2264] resolving this matter.

- 2. Debtors' Second Motion for Entry of an Order Extending the Debtors' Time to File Notices of Removal of Claims and Causes of Action Related to the Debtors' Chapter 11 Cases ([D.I. 2196](#), filed 3/10/25).

Objection Deadline: March 18, 2025, at 4:00 p.m. (ET).

Responses Received: None

Related Documents:

- a) Certificate of No Objection Regarding Debtors' Second Motion for Entry of an Order Extending the Debtors' Time to File Notices of Removal of Claims and Causes of Action Related to the Debtors' Chapter 11 Cases ([D.I. 2308](#), filed 3/20/25).
- b) Order Extending the Debtors' Time to File Notices of Removal of Claims and Causes of Action Related to the Debtors' Chapter 11 Cases ([D.I. 2314](#), entered 3/20/25).

Status: An order has been entered. A hearing on this matter is no longer necessary.

ADJOURNED MATTERS

- 3. Gerald Bogle's Motion for Relief from the Automatic Stay ([D.I. 672](#), filed 10/31/24).

Objection Deadline: November 14, 2024, at 4:00 p.m. (ET); extended to March 21, 2025, at 11:59 a.m. for the Debtors.

Responses Received: None at this time.

Related Documents: None.

Status: This matter is adjourned to the next omnibus hearing.

4. Motion of Amy Eskra-Brown for Relief from Bankruptcy Automatic Stay to Proceed Against Insurance Proceeds ([D.I. 674](#), filed 10/31/24).

Objection Deadline: November 14, 2024, at 4:00 p.m. (ET).

Responses Received:

- a) Debtors' Omnibus Objection to Motions for Relief from Automatic Stay Under Section 362 of the Bankruptcy Code ([D.I. 1103](#), filed 11/14/24).

Related Documents:

- a) Notice of Hearing in Support of Motion for Relief from Stay ([D.I. 858](#), filed 11/4/24).
- b) Declaration of Jonathan Caruso in Support of Debtors' Omnibus Objection to Motions for Relief from Automatic Stay Under Section 362 of the Bankruptcy Code ([D.I. 1352](#), filed 12/16/24).

Status: This matter is adjourned to the next omnibus hearing.

5. Motion of Carol Donnelly for Relief from Bankruptcy Automatic Stay to Proceed Against Insurance Proceeds ([D.I. 676](#), filed 10/31/24).

Objection Deadline: November 14, 2024, at 4:00 p.m. (ET).

Responses Received:

- a) Debtors' Omnibus Objection to Motions for Relief from Automatic Stay Under Section 362 of the Bankruptcy Code ([D.I. 1103](#), filed 11/14/24).

Related Documents:

- a) Notice of Hearing in Support of Motion for Relief from Stay ([D.I. 861](#), filed 11/4/24).
- b) Declaration of Jonathan Caruso in Support of Debtors' Omnibus Objection to Motions for Relief from Automatic Stay Under Section 362 of the Bankruptcy Code ([D.I. 1352](#), filed 12/16/24).

Status: This matter is adjourned to the next omnibus hearing.

6. Motion of Belkis Millan for Relief from the Automatic Stay ([D.I. 1625](#), filed 1/7/25).
Objection Deadline: January 14, 2025, at 4:00 p.m. (ET).
Responses Received: None.
Related Documents: None.
Status: This matter is adjourned to the next omnibus hearing.
7. Motion of Katie J. Jennings and Allen Jennings for Relief from the Automatic Stay ([D.I. 2047](#), filed 2/21/25).
Objection Deadline: March 18, 2025, at 4:00 p.m. (ET).
Responses Received: None at this time.
Related Documents: None at this time.
Status: This matter is adjourned to the next omnibus hearing.
8. Denzel Anderson's Motion for Relief from the Automatic Stay ([D.I. 2201](#), filed 3/11/25).
Objection Deadline: March 18, 2025, at 4:00 p.m. (ET).
Responses Received: None at this time.
Related Documents: None at this time.
Status: This matter is adjourned to the next omnibus hearing.

MATTERS UNDER CERTIFICATION

9. Application of AlixPartners, LLP for Approval of Completion Fee ([D.I. 2051](#), filed 2/21/25).
Objection Deadline: March 14, 2025, at 4:00 p.m. (ET); extended to March 20, 2025, for the U.S. Trustee.
Responses Received:
 - a) Informal comments received from the Office of the United States Trustee (the "[U.S. Trustee](#)").

Related Documents:

- a) Certification of Counsel Regarding Application of AlixPartners, LLP for Approval of Completion Fee ([D.I. 2325](#), filed 3/20/25).
- b) **Order Approving the Application of AlixPartners, LLP for Approval of Completion Fee ([D.I. 2353](#), entered 3/24/25).**

Status: **An order has been entered. A hearing on this matter is no longer necessary.**

- 10. Motion of the American Bottling Company to Modify the Automatic Stay Pursuant to Section 362(d) of the Bankruptcy Code ([D.I. 2205](#), filed 3/11/25).

Objection Deadline: March 18, 2025, at 4:00 p.m. (ET).

Responses Received: None

Related Documents:

- a) Certification of No Objection Regarding D.I. No. 2205 ([D.I. 2304](#), filed 3/20/25).
- b) Order Granting the Motion of the American Bottling Company to Modify the Automatic Stay Pursuant to Section 362(d) of the Bankruptcy Code ([D.I. 2329](#), entered 3/21/25).

Status: An order has been entered. A hearing on this matter is no longer necessary.

MATTERS GOING FORWARD

- 11. Notice of Filing of Fifth Post-Closing Designation Notice ([D.I. 1923](#), filed 2/3/25).

Objection Deadline: February 18, 2025, at 4:00 p.m. (ET).

Responses Received:

- a) [Withdrawn] Objection to Cure Amount for Assumption and Assignment of Lease (D.I. 1977, filed 2/12/25).
- b) Limited Objection of Sun Point SDC, LLC to Debtors' Proposed Assumption and Assignment of Lease, Including Cure Amount, and Reservation of Rights ([D.I. 1985](#), filed 2/13/25).
- c) Limited Objection of Lee's Crossing SDC, LLC to Debtors' Proposed Assumption and Assignment of Lease, Including Cure Amount, and Reservation of Rights ([D.I. 1986](#), filed 2/13/25).

- d) **[RESOLVED]** Objection of Sevierville Forks Partners, LLC and Harrison OH Partners, LLC to Debtors' Fifth Post-Closing Designation Notice ([D.I. 1993](#), filed 2/17/25).
- e) **[RESOLVED]** Objection of 5 Point Church to Fifth Post-Closing Designation Notice ([D.I. 1995](#), filed 2/18/25).
- f) Objection of Aston Properties, Inc to Debtors Proposed Cure Amount and Assumption and Assignment of Leases to Variety Stores ([D.I. 1996](#), filed 2/18/25).
- g) **[RESOLVED]** Limited Objection and Reservation of Rights of Food Lion LLC to Debtors' Notice of Filing of Fifth Post-Closing Designation Notice ([D.I. 1999](#), filed 2/18/25).
- h) Objection of Gibraltar Management Co., Inc., National Realty & Development Corp., and Gator Development Corp. to Notice of Filing of Fifth Post-Closing Designation Notice ([D.I. 2000](#), filed 2/18/25).
- i) Objection of DGN Properties LLC to Debtors' Proposed Assumption and Assignment of Lease and Proposed Order ([D.I. 2001](#), filed 2/18/25).
- j) Limited Objection by BVB-NC, LLC to Debtor's Notice of Potential Assumption and Assignment of Executory Contracts or Unexpired Leases and Cure Amount ([D.I. 2003](#), filed 2/18/25).
- k) **[ADJOURNED]** Limited Objection of Ireland Lawrence, Ltd. to Debtor's Proposed Assumption and Assignment of Lease and Reservation of Rights ([D.I. 2005](#), filed 2/18/25).
- l) The Marietta, Ohio Landlord's Objection to Fifth Post-Closing Designation Notice and Reservation of Rights ([D.I. 2011](#), filed 2/19/25).
- m) The Brandon, Florida Landlord's Objection to Fifth Post-Closing Designation Notice and Reservation of Rights ([D.I. 2015](#), filed 2/19/25).
- n) The Lancaster, Ohio Landlord's Objection to Fifth Post-Closing Designation Notice and Reservation of Rights ([D.I. 2016](#), filed 2/19/25).
- o) The Grove City, Ohio Landlord's Objection to Fifth Post-Closing Designation Notice and Reservation of Rights ([D.I. 2017](#), filed 2/19/25).
- p) Objection of Tranel Inc. and Horizon Commons, LLC to Debtors' Proposed Assumption and Assignment of Leases ([D.I. 2019](#), filed 2/19/25).
- q) Limited Objection of Beacon Plaza, LLC to Assumption and Assignment of Lease and Fifth Post-Closing Designation Notice ([D.I. 2028](#), filed 2/20/25).

- r) Limited Objection and Reservation of Rights of USPG Portfolio Eight, LLC to the Notice of Filing of Fifth Post-Closing Designation Notice ([D.I. 2035](#), filed 2/20/25).
- s) Limited Objection and Reservation of Rights of F & F Investments, LLC, MFBG Port Huron, LLC, and NS Retail Holdings, LLC to Notice of Filing Fifth Post-Closing Designation Notice ([D.I. 2041](#), filed 2/20/25).
- t) **[RESOLVED]** The Southern Benedictine Society of North Carolina's Limited Objection to Assumption and Assignment of Lease ([D.I. 2042](#), filed 2/20/25).
- u) Limited Objection of R.L. Wittbold-New Philadelphia, LLC to Notice of Filing Fifth Post-Closing Designation Notice ([D.I. 2054](#), filed 2/23/25).
- v) **[RESOLVED]** Objection of Simpsonville Plaza, LLC to Debtors' Fifth Post-Closing Designation Notice ([D.I. 2076](#), filed 2/25/25).
- w) **[RESOLVED]** Supplement to the Objection to Fifth Post-Closing Designation Notice and Reservation of Rights ([D.I. 2332](#), filed 3/21/25).

Related Documents:

- a) Certificate of No Objection Regarding Fifth Post-Closing Designation Notice ([D.I. 2083](#), filed 2/25/25).
- b) Order Pursuant to Sections 363 and 365 of the Bankruptcy Code Authorizing the Debtors-in-Possession to Assume, Assign and Sell Certain Non-Residential Real Property Leases ([D.I. 2111](#), entered 2/27/25).
- c) [Withdrawn] Certification of Counsel Regarding Assumption and Assignment of Nonresidential Real Property Lease (D.I. 2181, filed 3/6/25).
- d) Certification of Counsel Regarding Assumption and Assignment of Nonresidential Real Property Leases ([D.I. 2188](#), filed 3/7/25).
- e) Notice of Hearing Regarding Assumption and Assignment Objections Relating to Post-Closing Designation Notices ([D.I. 2208](#), filed 3/11/25).
- f) Certification of Counsel Regarding Assumption and Assignment of Nonresidential Real Property Lease ([D.I. 2246](#), filed 3/14/25).
- g) **[RESOLVED]** Certification of Counsel Regarding Assumption and Assignment of Nonresidential Real Property Leases ([D.I. 2254](#), filed 3/17/25).

- h) Order Pursuant to Sections 363 and 365 of the Bankruptcy Code Authorizing the Debtors-in-Possession to Assume, Assign and Sell Certain Non-Residential Real Property Leases ([D.I. 2270](#), entered 3/18/25).
- i) Order Pursuant to Sections 363 and 365 of the Bankruptcy Code Authorizing the Debtors-in-Possession to Assume, Assign and Sell Certain Non-Residential Real Property Leases ([D.I. 2273](#), entered 3/18/25).
- j) Certification of Counsel Regarding Assumption and Assignment of Nonresidential Real Property Lease ([D.I. 2330](#), filed 3/21/25).
- k) **[RESOLVED]** B&B Kings Row Holdings, LLC's List of Witnesses and Exhibits for Hearing on Objections Relating to Post-Closing Designation Notice ([D.I. 2337](#), filed 3/22/25).
- l) BVB-NC, LLC's List of Witnesses and Exhibits for Hearing on Assumption and Assignment Objections Relating to Post-Closing Designation Notices ([D.I. 2338](#), filed 3/22/25).
- m) Variety Stores, LLC's Witness and Exhibit List for hearing on March 25, 2025, at 10:00 A.M. ([D.I. 2339](#), filed 3/23/25).
- n) Debtors' Omnibus Reply to Certain Objections to Debtors' Assumption and Assignment of Non-Residential Real Property Leases ([D.I. 2347](#), filed 3/24/25).³
- o) Motion of Debtors for Leave to File Debtors' Replies to Certain Objections to Debtors' Assumption and Assignment of Non-Residential Real Property Leases ([D.I. 2348](#), filed 3/24/25).
- p) **Order Pursuant to Sections 363 and 365 of the Bankruptcy Code Authorizing the Debtors-in-Possession to Assume, Assign and Sell Certain Non-Residential Real Property Leases ([D.I. 2355](#), entered 3/24/25).**

Status: This matter is going forward solely with respect to the pending objections listed herein. B&B Kings Row Holdings, LLC intends to present the testimony of Michael Bichimer, landlord's authorized representative, in support of its objections filed at D.I. Nos. 2015 & 2332. BVB-NC, LLC intends to present the testimony of (1) B.V. Belk, managing member of landlord, and (2) Kris Kielhack, landlord's chief operating officer, in support of the objection filed at D.I. 2003. Variety Stores, LLC intends to present the testimony of Thomas Stoltz, executive vice president and chief financial officer of Variety Wholesalers, Inc and Variety Stores, LLC, in support of the proposed assumption and assignment of certain leases. **Objections (d), (e), (g), (k) (t), (v), and (w) have been either resolved or adjourned to a later date and are not going forward.**

³ This reply relates to objections (i), (m), and (w).

12. Notice of Filing of Eighth Post-Closing Designation Notice ([D.I. 1964](#), filed 2/10/25).

Objection Deadline: February 24, 2025, at 4:00 p.m. (ET).

Responses Received:

- a) Objection of Steger Towne Crossing, LP to Notice of Filing of Eighth Post-Closing Designation Notice with Respect to Adequate Assurance of Future Performance and Proposed Cure ([D.I. 2066](#), filed 2/24/25).

Related Documents:

- a) Certification of Counsel Regarding Order Approving Assumption and Assignment of West Deptford Lease ([D.I. 2160](#), filed 3/2/25).
- b) Order Pursuant to Sections 363 and 365 of the Bankruptcy Code Authorizing the Debtors-in-Possession to Assume and Assign a Certain Non-Residential Real Property Lease ([D.I. 2167](#), entered 3/3/25).
- c) [Withdrawn] Certification of Counsel Regarding Order Approving Assumption and Assignment of Lakewood Lease (D.I. 2169, filed 3/4/25).
- d) [Withdrawn] Certification of Counsel Regarding Notice of Filing of Eighth Post-Closing Designation Notice (D.I. 2176, filed 3/4/25).
- e) Notice of Hearing Regarding Assumption and Assignment Objections Relating to Post-Closing Designation Notices ([D.I. 2208](#), filed 3/11/25).
- f) Revised Certification of Counsel Regarding Order Approving Assumption and Assignment of Lakewood Lease ([D.I. 2220](#), filed 3/12/25).
- g) [Withdrawn] Revised Certification of Counsel Regarding Notice of Filing of Eighth Post-Closing Designation Notice (D.I. 2231, filed 3/13/25).
- h) Order Pursuant to Sections 363 and 365 of the Bankruptcy Code Authorizing the Debtors-in-Possession to Assume, Assign and Sell Certain Non-Residential Real Property Leases ([D.I. 2265](#), entered 3/18/25).
- i) Certification of Counsel Regarding Order Approving Assumption and Assignment of Miami Lease ([D.I. 2281](#), filed 3/18/25).
- j) Second Revised Certification of Counsel Regarding Notice of Filing of Eighth Post-Closing Designation Notice ([D.I. 2285](#), filed 3/18/25).
- k) Declaration of S. Susan Self, Vice President of Ritter Management, Inc., in Support of Objection of Steger Towne Crossing, LP to Notice of Filing of Eighth Post-

Closing Designation Notice with Respect to Adequate Assurance of Future Performance and Proposed Cure ([D.I. 2288](#), filed 3/19/25).

- l) Order Pursuant to Sections 363 and 365 of the Bankruptcy Code Authorizing the Debtors-in-Possession to Assume, Assign and Sell Certain Non-Residential Real Property Lease (Store No. 4258) ([D.I. 2294](#), entered 3/19/25).
- m) Order Pursuant to Sections 363 and 365 of the Bankruptcy Code Authorizing the Debtors-in-Possession to Assume, Assign and Sell Certain Non-Residential Real Property Leases (Store Nos. 4647, 1624 and 4430) ([D.I. 2297](#), entered 3/19/25).
- n) Steger Towne Crossing, LP's Witness and Exhibit List for the Hearing Scheduled on March 25, 2025 at 10:00 a.m. (ET) ([D.I. 2324](#), filed 3/20/25).
- o) Debtors' Omnibus Reply to Certain Objections to Debtors' Assumption and Assignment of Non-Residential Real Property Leases ([D.I. 2347](#), filed 3/24/25).⁴
- p) Motion of Debtors for Leave to File Debtors' Replies to Certain Objections to Debtors' Assumption and Assignment of Non-Residential Real Property Leases ([D.I. 2348](#), filed 3/24/25).

Status: This matter is going forward solely with respect to the pending objections listed herein. The Debtors understand that Steger Towne Crossing, LP, intends to present the testimony of S. Susan Self in support of its objection (D.I. 2066).

13. Notice of Filing of Tenth Post-Closing Designation Notice ([D.I. 1994](#), filed 2/17/25).

Objection Deadline: March 3, 2025, at 4:00 p.m. (ET).

Responses Received:

- a) Objection of DKR Investments, LLC to Debtors' Tenth Post-Closing Designation Notice ([D.I. 2062](#), filed 2/24/25).
- b) Objection of MBM Investments, LLC to Debtors' Tenth Post-Closing Designation Notice ([D.I. 2063](#), filed 2/24/25).
- c) Objection of TLM Realty Corp. to Debtors' Proposed Cure Amount and Assumption and Assignment of Lease to Ocean State Job Lot of DE2025, LLC ([D.I. 2094](#), filed 2/26/25).
- d) **[RESOLVED]** Objection of EVP Auburn, LLC to Tenth Post-Closing Designation Notice ([D.I. 2119](#), filed 2/28/25).

⁴ This reply relates to objection (a).

- e) **[RESOLVED]** Limited Objection to and Reservation of Rights in Connection with Notice of Filing of Tenth Post-Closing Designation Notice ([D.I. 2161](#), filed 3/3/25).
- f) Objection of Safeway to Potential Assumption and Assignment of Unexpired Lease, Cure Amount, and Adequate Assurance ([D.I. 2164](#), filed 3/3/25).

Related Documents:

- a) Notice of Hearing Regarding Assumption and Assignment Objections Relating to Post-Closing Designation Notices ([D.I. 2208](#), filed 3/11/25).
- b) Order Pursuant to Sections 363 and 365 of the Bankruptcy Code Authorizing the Debtors-in-Possession to Assume, Assign and Sell Certain Non-Residential Real Property Leases ([D.I. 2296](#), entered 3/19/25).
- c) Certification of Counsel Regarding Notice of Filing of Tenth Post-Closing Designation Notice ([D.I. 2327](#), filed 3/21/25).
- d) Motion of Debtors for Leave to File Debtors' Replies to Certain Objections to Debtors' Assumption and Assignment of Non-Residential Real Property Leases ([D.I. 2348](#), filed 3/24/25).
- e) **Order Pursuant to Sections 363 and 365 of the Bankruptcy Code Authorizing the Debtors-in-Possession to Assume, Assign and Sell Certain Non-Residential Real Property Leases ([D.I. 2354](#), entered 3/24/25).**

Status: The Debtors believe that agreements have been reached in principle regarding objections (a), (b), (c), and (f). Objections (d) and (e) are resolved.

- 14. Notice of Filing of Fifteenth Post-Closing Designation Notice ([D.I. 2116](#), filed 2/27/25).

Objection Deadline: March 14, 2025, at 4:00 p.m. (ET); extended to March 21, 2025, at 4:00 p.m. (ET) for Big Score Investors Inc.

Responses Received:

- a) Objection to Notice of Designation of Designated Asset and Motion for Allowance of Administrative Claim for Unpaid Post-Petition Lease Obligations and Directing Debtors' Immediate Payment of Such Claim ([D.I. 2224](#), filed 3/13/25).
- b) **[RESOLVED]** Objection of DLC Properties, LLC to Fifteenth Post-Closing Designation Notice ([D.I. 2235](#), filed 3/14/25).
- c) **[RESOLVED]** Objection Lebanon Marketplace Center, LLCs Objection to Debtors Notice of Filing of Fifteenth Post-Closing Designation Notice ([D.I. 2237](#), filed 3/14/25).

- d) Objection of Landlord AP Growth Properties, LP to Proposed Cure for Store No. 1926 (1590 George Dieter, El Paso, Texas) and Limited Objection to Proposed Assumption and Assignment with Reservation of Rights ([D.I. 2238](#), filed 3/14/25).
- e) Limited Objection of Millan Enterprises, LLC to Notice of Filing Fifteenth Post-Closing Designation Notice ([D.I. 2243](#), filed 3/14/25).
- f) Objection of Gibraltar Management Co., Inc. and Gator Development Corp. to Notice of Filing of Fifteenth Post-Closing Designation Notice ([D.I. 2244](#), filed 3/14/25).

Related Documents:

- a) Notice of Hearing Regarding Assumption and Assignment Objections Relating to Post-Closing Designation Notices ([D.I. 2208](#), filed 3/11/25).
- b) Certification of Counsel Regarding Notice of Filing of Fifteenth Post-Closing Designation Notice ([D.I. 2302](#), filed 3/19/25).
- c) Order Pursuant to Sections 363 and 365 of the Bankruptcy Code Authorizing the Debtors-in-Possession to Assume, Assign and Sell Certain Non-Residential Real Property Leases (Store Nos. 30, 380, 493, 1076, 1187, 1189, 1238, 1266, 1286, 1370, 1375, 1433, 1562, 1664, 1836, 1864, 1959, 1977, 4488, 4651, 4740, 5161, 5248, 5318, 5465) ([D.I. 2305](#), filed 3/20/25).
- d) Supplemental Notice of Hearing Regarding Assumption and Assignment Objections Relating to Post-Closing Designation Notices ([D.I. 2326](#), filed 3/20/25).
- e) Witness and Exhibit List of A.P. Growth Properties, L.P. for Matters Scheduled for Hearing on March 25, 2025 at 10:00 A.M. (D.I. 2336, filed 3/22/25).
- f) Motion of Debtors for Leave to File Debtors' Replies to Certain Objections to Debtors' Assumption and Assignment of Non-Residential Real Property Leases ([D.I. 2348](#), filed 3/24/25).

Status: The parties are working to consensually resolve the outstanding objections in advance of the hearing and may seek to adjourn the matter to the next omnibus hearing. A.P. Growth Properties L.P. may present the testimony of (1) Richard Rotwein, Senior Advisor of the property manager, MIMCO Properties, and the Landlord, A.P. GROWTH, L.P., (2) Alex Cardoza, Executive Vice-President of Operations of the property manager, MIMCO Properties, and (3) Ramiro Esparza III, Vice President of Acquisitions and Dispositions of the property manager, MIMCO Properties, in support of its objection filed at D.I. 2238. **Objections (b) and (c) are resolved. The Debtors anticipate that the parties will resolve objections (a) and (e).**

15. Notice of Filing of Fourteenth Post-Closing Designation Notice ([D.I. 2117](#), filed 2/28/25).

Objection Deadline: March 14, 2025, at 4:00 p.m. (ET).

Responses Received:

- a) Objection of Rivercrest Realty Associates, LLC to Notice of Filing of Fourteenth Post-Closing Designation Notice ([D.I. 2236](#), filed 3/14/25).
- b) Limited Objection of NS Retail Holdings, LLC to Notice of Filing of Fourteenth Post-Closing Designation Notice ([D.I. 2245](#), filed 3/14/25).

Related Documents:

- a) Notice of Hearing Regarding Assumption and Assignment Objections Relating to Post-Closing Designation Notices ([D.I. 2208](#), filed 3/11/25).
- b) Certification of Counsel Regarding Fourteenth Post Closing Designation Notice ([D.I. 2291](#), filed 3/19/25).
- c) Order Pursuant to Sections 363 and 365 of the Bankruptcy Code Authorizing the Debtors-in-Possession to Assume, Assign and Sell Certain Non-Residential Real Property Leases ([D.I. 2300](#), entered 3/19/25).
- d) Certification of Counsel Regarding Assumption and Assignment of Nonresidential Real Property Leases ([D.I. 2307](#), filed 3/20/25).
- e) Order Pursuant to Sections 363 and 365 of the Bankruptcy Code Authorizing the Debtors in Possession to Assume, Assign and Sell Certain Non-Residential Real Property Lease ([D.I. 2315](#), filed 3/20/25).
- f) Supplemental Notice of Hearing Regarding Assumption and Assignment Objections Relating to Post-Closing Designation Notices ([D.I. 2326](#), filed 3/20/25).
- g) Motion of Debtors for Leave to File Debtors' Replies to Certain Objections to Debtors' Assumption and Assignment of Non-Residential Real Property Leases ([D.I. 2348](#), filed 3/24/25).

Status: This matter is going forward solely with respect to the pending objections listed herein.

16. Notice of Filing of Eighteenth Post-Closing Designation Notice ([D.I. 2178](#), filed 3/5/25).

Objection Deadline: March 20, 2025, at 4:00 p.m. (ET).

Responses Received:

- a) Objection of Madeira Plaza Power, LLC to Eighteenth Post-Closing Designation Notice ([D.I. 2292](#), filed 3/19/25).
- b) Objection of 1255 Sunrise Realty, LLC to Debtors' Proposed Assumption and Assignment of Its Unexpired Lease in Eighteenth Post-Closing Designation Notice ([D.I. 2293](#), filed 3/19/25).

Related Documents:

- a) Notice of Hearing Regarding Assumption and Assignment Objections Relating to Post-Closing Designation Notices ([D.I. 2208](#), filed 3/11/25).
- b) Supplemental Notice of Hearing Regarding Assumption and Assignment Objections Relating to Post-Closing Designation Notices ([D.I. 2326](#), filed 3/20/25).
- c) Exhibit List of Madeira Plaza Power, LLC Related to Matters Scheduled for Hearing on March 25, 2025 at 10:00 a.m. ([D.I. 2331](#), filed 3/21/25).
- d) Witness and Exhibit List of Proposed Assignee, Forman Mills, Inc., Regarding March 25, 2025 Hearing on Debtors' Assumption and Assignment of Non-Residential Real Property Leases (D.I. 2335, filed 3/22/25).
- e) [SEALED] Debtors' Omnibus Reply to the Objections to Debtors' Assumption and Assignment of Non-Residential Real Property Leases to Forman Mills (D.I. 2343, filed 3/23/25).⁵
- f) Motion of Debtors for Leave to File Debtors' Replies to Certain Objections to Debtors' Assumption and Assignment of Non-Residential Real Property Leases ([D.I. 2348](#), filed 3/24/25).
- g) Notice of Filing of Redacted Version of Debtors' Omnibus Reply to the Objections to Debtors' Assumption and Assignment of Non-Residential Real Property Leases to Forman Mills ([D.I. 2350](#), filed 3/24/25).
- h) **Supplemental Exhibit List of Proposed Assignee, Forman Mills Inc., Regarding March 25, 2025, Hearing on Debtors' Assumption and Assignment of Non-Residential Real Property Leases ([D.I. 2358](#), filed 3/24/25).**

⁵ This reply relates to objections (a) and (b).

Status: This matter is going forward solely with respect to the pending objections listed herein. The proposed assignee has requested that the objection filed at D.I. 2293 be heard at this hearing. Counsel for the objecting landlord has indicated that they do not wish to go forward at this hearing. Forman Mills, Inc., intends to present the testimony of Sam Dushey, CEO of Forman Mills, in support of the proposed assumption and assignment of certain leases.

ADDITIONAL MATTERS

17. Notice of Filing of Twelfth Post-Closing Designation Notice ([D.I. 2084](#), filed 2/25/25).

Objection Deadline: March 12, 2025, at 4:00 p.m. (ET).

Responses Received:

- a) Objection and Reservation of Rights of Kin Properties Inc. and its Affiliated Landlords to Debtors' Proposed Assumption and Assignment of Lease ([D.I. 2212](#), filed 3/12/25).

Related Documents:

- a) [SEALED] Debtors' Reply to the Objection of Kin Properties to Debtors' Assumption and Assignment of Non-Residential Real Property Lease (D.I. 2242, filed 3/23/25).
- b) Motion of Debtors for Leave to File Debtors' Replies to Certain Objections to Debtors' Assumption and Assignment of Non-Residential Real Property Leases ([D.I. 2348](#), filed 3/24/25).
- c) Notice of Filing of Redacted Version of Debtors' Reply to the Objection of Kin Properties to Debtors' Assumption and Assignment of Non-Residential Real Property Lease ([D.I. 2349](#), filed 3/24/25).
- d) **Witness and Exhibit List of Kin Properties Inc. and its Affiliated Landlords of Hearing Scheduled for March 25, 2025 at 10:00 a.m. (ET) ([D.I. 2362](#), filed 3/24/25).**

Status: This matter is going forward with respect to the objection listed herein.

18. HomeView Design Inc.'s Motion for Allowance and Immediate Payment of Administrative Expense Claims, Pursuant to 11 U.S.C. §§ 503(b)(1)(A) and 503(B)(9) ([D.I. 2207](#), filed 3/11/25).

Objection Deadline: March 18, 2025.

Responses Received: At this time, the Debtors do not believe a response is warranted under the *Supplemental Order (I) Setting a Bar Date for Filing Proofs of Claims for Pre-Closing Administrative Expense Claims Against Debtors, (II) Establishing Pre-Closing*

Administrative Expense Claim Procedures, and (III) Granting Related Relief, Including Notice and Filing Procedures [D.I. 2214] (the “Administrative Expense Claims Procedures Order”).

Related Documents:

- a) Order (I) Setting a Bar Date for Filing Proofs of Claims for Pre-Closing Administrative Expense Claims Against the Debtors, (II) Establishing Pre-Closing Administrative Expense Claims Procedures, and (III) Granting Related Relief, Including Notice and Filing Procedures ([D.I. 2110](#), entered 2/27/25).
- b) Supplemental Order (I) Setting a Bar Date for Filing Proofs of Claims for Pre-Closing Administrative Expense Claims Against the Debtors, (II) Establishing Pre-Closing Administrative Expense Claims Procedures, and (III) Granting Related Relief, Including Notice and Filing Procedures ([D.I. 2214](#), entered 3/12/25).
- c) HomeView Design Inc.’s Witness and Exhibit List for Hearing to be Held on March 25, 2025 ([D.I. 2334](#), filed 3/21/25).
- d) Notice of Creditor’s Supplement to Agenda for Hearing Scheduled for March, 25, 2025 at 10:00 a.m. (Prevailing Eastern Time), Before the Honorable J. Kate Stickles, at the United States Bankruptcy Court for the District of Delaware ([D.I. 2341](#), filed 3/23/25).

Status: The Debtors believe that HomeView Design Inc. (“HomeView”) is asserting a Pre-Closing Administrative Expense Claim (as defined in the *Motion of Debtors for Entry of an Order (I) Setting a Bar Date for Filing Proofs of Pre-Closing Administrative Expense Claims Against the Debtors, (II) Establishing Pre-Closing Administrative Expense Claims Procedures, and (III) Granting Related Relief, Including Notice and Filing Procedures* [D.I. 1962]). Therefore, in accordance with paragraph 7 of the Administrative Expense Claims Procedures Order, the Debtors believe they are not required to respond to the motion and that the motion is adjourned *sine die*. The Debtors and HomeView met and conferred on March 23, 2025 and disagree as to whether this motion should go forward at this hearing. The Debtors are available for a status conference in advance of the hearing if that would be helpful to the Court. Otherwise, the Debtors are prepared to explain their position at the hearing as to why this motion is covered by the procedures set forth in the Administrative Expense Claims Procedures Order.

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Dated: March 24, 2025
Wilmington, Delaware

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

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